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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,036	05/12/2005	Jürgen Bieber	2002P17457WOU'S	2389
7590 Siemens Corporation Intellectual property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER NILANONT, YOUAPORN	
			ART UNIT 2446	PAPER NUMBER
			MAIL DATE 10/14/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/535,036

**Applicant(s)**

BIEBER, JURGEN

**Examiner**

YOUAPORN NILANONT

**Art Unit**

2446

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9, 17 and 23-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 9, 17, 23-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

In view of the appeal brief filed on 07/09/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446

### **Status of Claims:**

Claims 9, 17 and 23-25 are pending in this Office Action.

***Response to Arguments***

Applicant's arguments with respect to claims 9, 17 and 23-25 have been considered but are moot in view of the new ground(s) of rejection.

**Applicant's invention as claimed:**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 17 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al. (US 2002/0095399) in view of Nwabueze (US 6611839).

Regarding claim 9, Devine reference discloses a system of the type including multiple functions relating to production, including Enterprise Resource Planning (ERP), maintenance and automation (Devine, [0018] "system for providing automated data retrieval, analysis and reporting (RAR) services", [0004] "(RAR) operations are not limited to manufacturing" reads on relating to production, [0022]), configured to provide access to data from a plurality of data devices within the system, the data devices including an automation device, an ERP device, and an MES device ([0022] "ERP" and "MES", [0005] and [0006]), the system comprising:

a central access device (Devine, figure 5C and [0395] "a CD 10 functioning as the server") having interface connections to receive data from each of the data devices (Devine, [0395] "databases 30A-30C" and [0063] "a publisher with a suitable connected device 10, which is also connected to a second computer network...creates a service which executes...causes the system 1 to retrieve and download certain records"),

wherein the central access device comprises mechanisms for providing a uniform, central access to multiple ones of the plurality of data sources (Devine, [0391] "CD 10 acts as database middleware, providing a route for users to access the indexing information held on other CDs 10, and the index files may be stored in a cache on the CDs 10", figure 5C, [0395] "databases 30A-30C", [0055] "publisher" and "subscriber") and uniform visualization of the data in the data received from the multiple ones of the data sources (Devine, [0389] "browser 22 can be employed as a general viewing interface for CD 10 service outputs", [0427] and figure 13),

the central access device including a restricted access administration device providing role-based access for each of multiple users so that each user is enabled to access data from predetermined devices without being able to access data of other devices (Devine, [0023] "who may belong to the network and what services each system user may access, or not access", [0405] "a CD 10 may store and grant access to files...to other CDs 10" and "requesting CD 10 privileges for the requested file are verified before access is granted to view, download, or modify the file", [0407] "publisher may create services and control

subscriptions to services...provides access to the data associated with its services" and [0018] "service publisher controls which users may subscribe to publisher's service").

Devine discloses that a connected device or "CD 10", which may serves as a publisher, has the ability to deliver web pages to remote web browsers (Devine, [0385]). Such web page contains output from Devine's system (Devine, [0387]) which, in Devine's example, is in COM-compliant spreadsheet service (Devine, [0069] and [0378]-[0379]).

However, though Devine discloses that data can be gathered from different devices and that data can be entered and viewed in the spreadsheet or browser, Devine does not explicitly discloses that data from multiple devices are entered in the spreadsheet and viewed simultaneously.

Nwabueze discloses identifying a set of data sources to be accessed and combine data acquired from such data sources using display rules and create a report according to the rules (Nwabueze, column 2 lines 59-67 and column 3 lines 1-18). Therefore, the requested report in spreadsheet, world wide web, or Internet browser compatible format contains data from multiple data sources previous gathered, combined and stored in temporary database.

It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have utilized reporting and displaying of the combination of data from different data sources to the user as taught in Nwabueze reference (column 2 lines 59-67 and column 3 lines 1-18) in Devine's

teaching in order to allow users to analyze Devine's manufacturing industries as a whole using data from all parts of the industries.

Regarding claim 17, Devine in view of Nwabueze disclose the system as claimed in claim 9.

Devine discloses: wherein the central access device includes a data acquisition device for accessing data from the plurality of data devices in accord with the role-based access of each user (Devine, figure 8, [0023] "who may belong to the network and what services each system user may access, or not access", [0405] "a CD 10 may store and grant access to files...to other CDs 10" and "requesting CD 10 privileges for the requested file are verified before access is granted to view, download, or modify the file", [0407] "publisher may create services and control subscriptions to services...provides access to the data associated with its services" and [0018] "service publisher controls which users may subscribe to publisher's service").

Nwabueze discloses: assembling data from the plurality of data devices (column 2 lines 59-67 and column 3 lines 1-18).

Regarding claim 23, Devine in view of Nwabueze disclose the system as claimed in claim 17, wherein the data acquisition device accesses the various data devices in a manner controlled by the restricted access administration device, acquires data therefrom (Devine, figure 8, [0023] "who may belong to the network and what services each system user may access, or not access", [0405] "a CD 10 may store and grant access to files...to other CDs 10" and "requesting CD 10 privileges for the requested file are verified before access is granted to view, download, or modify the file", [0407]

"publisher may create services and control subscriptions to services...provides access to the data associated with its services" and [0018] "service publisher controls which users may subscribe to publisher's service") and provides this data for display in the visualization window (Devine, [0389] "browser 22 can be employed as a general viewing interface for CD 10 service outputs", [0427] and figure 13).

Regarding claim 24, Devine in view of Nwabueze disclose the system as claimed in claim 17, wherein the data acquisition device accesses the various data sources in a manner controlled by the access administration device and acquires data from the data sources (Devine, figure 8, [0023] "who may belong to the network and what services each system user may access, or not access", [0405] "a CD 10 may store and grant access to files...to other CDs 10" and "requesting CD 10 privileges for the requested file are verified before access is granted to view, download, or modify the file", [0407] "publisher may create services and control subscriptions to services...provides access to the data associated with its services" and [0018] "service publisher controls which users may subscribe to publisher's service"), wherein the data acquisition device makes the data available to the visualization device (Devine, [0389] "browser 22 can be employed as a general viewing interface for CD 10 service outputs", [0427] and figure 13).

Regarding claim 25, Devine in view of Nwabueze teach the system as claimed in claim 9, further comprising a polling device configurable by users in order to acquire data cyclically from the various data sources and to evaluate the data in such a way that upon attainment of a criterion configurable by users a corresponding message is



automatically generated (Devine, [0071] "Reporting services...a trigger event...the occurrence of a date, or time of day").

### ***Examiner Notes***

Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Offenmuller (US 2003/0172371) and Kall et al. (US 2003/0149608) disclose software application that provides standard interface that allows users to access data about manufacturing plant from different systems.

Applicant's amendment filed on 11/05/2008 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **YOUAPORN NILANONT** whose telephone number is (571) 270-5655. The examiner can normally be reached on Monday through Thursday and alternate Friday at 8:30 AM - 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. N./  
Examiner, Art Unit 2446

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2446